

April 25, 2006

**Statement of United States Representative Shelley Berkley (NV 01) before the Committee
on Government Reform, Subcommittee on the Federal Workforce and Agency
Organization**

Yucca Mountain: Broken Management, Broken Quality Assurance, Broken Project

Mr. Chairman, thank you for this opportunity to state my views on an issue of great importance to Nevada and the nation.

On behalf of the more than one million families who live in Southern Nevada and the 40 million visitors who come to our state each year, I thank you, as well as Ranking Member Davis, for convening this important hearing entitled “Yucca Mountain: Broken Management, Broken Quality Assurance, Broken Project.”

For more than 20 years, the Department of Energy has studied Yucca Mountain and for nearly that long, there have been problems with Quality Assurance at the proposed nuclear waste dump 90 minutes outside Las Vegas.

DOE’s dismal track record was noted in the GAO’s most recent report on the issue, *Quality Assurance at DOE’s Planned Nuclear Waste Repository Needs Increased Management Attention*. The report documents years of mismanagement at the Yucca Mountain Project and numerous failures to correct a Quality Assurance system that continues to this day to produce flawed results lacking scientific verification.

Then add to that hundreds of disturbing employee e-mails which detail efforts to falsify scientific findings and other alleged crimes, as well as new findings that instruments used in tests relating to water infiltration were never calibrated, and a pattern of failure becomes strikingly clear.

The Department of Energy’s answer to all of this has been to establish what it calls a “new path forward” designed to correct past failures. But as GAO noted, this, too, is a flawed proposal that threatens to make the situation worse by adding complexity to a system that already cannot meet existing requirements for oversight.

Despite this rhetoric of change, Quality Assurance at Yucca Mountain is still going down the same familiar road that has produced mountains of findings that lack the quality needed to prove that Nevada families are not at risk from nuclear waste dumped in the Silver State.

Despite an on-going criminal investigation into actions by workers at Yucca Mountain, and pledges of cooperation by Secretary of Energy Samuel Bodman, the Bush Administration continues to ignore a subpoena from Chairman Tom Davis demanding that it turn over the draft license application for the proposed Yucca Mountain repository. This same document is now the subject of a lawsuit by the State of Nevada, which has filed to gain possession of the materials under the Freedom of Information Act.

I wish I could say that it is hard for me understand why the Bush administration is blatantly ignoring the demands of Congress and fighting the State of Nevada on this issue, but I know the truth all too well. President Bush has promised the nuclear industry his strong support for Yucca Mountain, even if that means ignoring chronic problems with this program.

And we may still have more to learn about problems with Yucca Mountain as a result of the 14 million e-mails which are now being screened to see if they reveal any new cases of fraud or shed new light on the work of employees who may face criminal charges for their past actions.

Quality Assurance is supposed to be at the heart of Yucca Mountain, but that has never been the case. Sloppy science, poor record keeping, mismanagement and attempts to doctor results are alleged to have occurred at the project over a nearly 20 year period. Given these circumstances, it is nearly impossible to believe that the Bush administration has not only pushed forward on the project, but has actually authored a bill that would nearly double the amount of waste slated to be dumped at Yucca Mountain.

This expansion plan relies on the same flawed data that is already in question and only increases the level of danger that the project will create by upping the amount of toxic radioactive waste that would be buried inside Yucca Mountain. The President is seeking to build a second story on a house whose very foundation is riddled with flaws, and the result will be a project that releases deadly radioactive waste into Southern Nevada's drinking water supplies.

I continue to be frustrated with the arrogance and lack of responsiveness from those at the Department of Energy who have been tasked with assisting Chairman Porter's Subcommittee in investigating very serious allegations, including potential crimes. Rather than acknowledge that the Yucca Mountain Project is in utter disarray, these individuals continue to assert over and over again that the proposed dump is on track and will soon open. This patronizing attitude toward the concerns of Nevada residents undermines what little credibility remains at the DOE and only underscores the Bush administration's desire to put political gain and the profits of the nuclear industry ahead of the health and safety of Americans in Nevada and across our nation.

Again, thank you Mr. Chairman and the members of the Committee for this opportunity to share my concerns about the Yucca Mountain Project on behalf of the residents of Nevada.